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In re Application of
Ota et al.
US Application No.: 10/031,589
PCT Application No.: PCT/JP00/04895
International Filing Date: 21 July 2001
Priority Date: 23 July 2000
Attorney's Docket No.: 084335-0155
For: FULL LENGTH cDNA CLONES AND
PROTEINS ENCODED THEREBY

**DECISION ON PETITION TO
CHANGE INVENTOR NAME
UNDER 37 CFR 1.182**

This decision is in response to the "Declaration of Yuri Hio" filed on 4 December 2002 in the above-captioned application, requesting name change for one of the inventors. The submission is being properly treated as a petition under 37 CFR 1.182 and is hereby **GRANTED** as follows.

BACKGROUND

On 21 July 2000, Applicants filed international application PCT/JP00/04895, which claimed priority of an earlier application filed on 23 July 2000. A copy of the international application was communicated from the International Bureau to the USPTO on 1 February 2001. A demand for international preliminary examination, in which the United States was elected, was filed on 12 February 2001, prior to 23 February 2001, expiration of the nineteen-month period from the 23 July 2000 priority date. The period for entering the national stage is thus thirty months and ended at midnight on 23 January 2002.

On 23 January 2002, Applicants filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390), accompanied by the \$890 basic national fee required by 35 U.S.C. 371(c)(1) and 37 CFR 1.495(a)(5) but not an oath or declaration.

On 29 March 2002, a "Notification of Missing Requirements under 37 CFR 371 in the United States Designated/Elected Office (DO/EO/US)" was mailed, requesting submission of, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497(a) and (b). An extendable two-month period was provided.

On 1 July 2002 (Monday), Applicants filed an executed declaration along with the \$130 surcharge and the one-month extension of time fee. The declaration names four inventors including "Yuri HIO."

On 7 November 2002, a "Notification of Defective Response" (Form PCT/DO/EO/916) was mailed, indicating in essence that the inventor name shown in the declaration, Yuri HIO, was changed from that listed in the published international application, Yuri KAWAI. Applicants were given one month to submit a response.

The instant petition then followed.

ANALYSIS

Under MPEP 605.04(c) (Rev. 1, Feb. 2003), when an inventor changes his/her name after the application has been filed and desires to use the new name in the application, a petition must be filed under 37 CFR 1.182, accompanied by the requisite fee and (1) an affidavit signed by this inventor, and setting forth the procedure whereby the name change was effected; or (2) a certified copy of the court order effecting the name change.

The "Declaration of Yuri Hio" filed on 4 December 2002 is signed by this inventor, and explains that the name change was due to marriage. The transmittal letter (Form PTO-1390) authorizes the USPTO to charge the \$130 petition fee to Deposit Account No. 19-0741.

CONCLUSION

In view of the above, the petition is granted.

The declaration filed with the Form PTO-1390 on 23 January 2002, with the grant of the instant petition, complies with the requirements of 37 CFR 1.497(a) and (b). Consequently, Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 21 July 2000 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 1 July 2002.

The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



RC Tang
Petitions Attorney
PCT Legal Office
Telephone: 703-308-1315